



UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

ARTURO BARRERA,

Plaintiff,

v.

Civil Action No. 1:12 cv 1014 LMB/IDD

**ENHANCED RECOVERY COMPANY,
LLC; and
DOE 1-5,**

(Jury Trial Demanded)

Defendants.

COMPLAINT

1. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. ("FDCPA").

JURISDICTION AND VENUE

2. This Court exercises jurisdiction under 15 U.S.C. 1692k and 28 U.S.C. 1331. This District is of proper venue as Plaintiff is a resident within this District and Defendant engaged in alleged violations against Plaintiff while Plaintiff so resided.

PARTIES

3. Plaintiff, ARTURO BARRERA (hereinafter “Mr. Barrera” or “Plaintiff”), is a natural person residing in Woodbridge, Virginia. Defendant, ENHANCED RECOVERY COMPANY, LLC (hereinafter “Defendant”) is a limited liability company believed to maintain its principle place of business at 8014 Bayberry Rd. in Jacksonville, New York. Plaintiff is ignorant of the true names and capacities of the defendants sued herein as DOE 1-5, and therefore sues these defendants by such fictitious names. Plaintiff will amend this Complaint to allege the true names and capacities once ascertained. Plaintiff believes and thereon alleges that the fictitiously named defendants are responsible in some manner for the occurrences herein alleged, and that such defendants are responsible to Plaintiff for damages and/or monies owed. ENHANCED RECOVERY COMPANY, LLC and DOE 1-5 shall jointly be referred to as “Defendants” herein.

4. Defendants regularly operate as third-party debt collectors and are “debt collectors” as defined in 15 U.S.C. 1692a.

FACTUAL ALLEGATIONS

5. As early as 2010, Defendants began contacting Mr. Barrera at his home telephone number in connection with an attempt to collect on a consumer debt from Ali Al-hanooti, an individual Mr. Barrera has no knowledge of.

6. Through September 3, 2011 Mr. Barrera repeatedly advised Defendants that Ali Al-hanooti did not reside at his home, never has, and that he had no other information to provide. Despite his best efforts to terminate the calls, Defendants continued to call in attempts to locate Mr. Ali Al-hanooti.

7. Mr. Barrera, exasperated and harassed, retained counsel with Robert Amador of Centennial Law Offices. On October 6, 2011, Mr. Amador contacted Defendants by telephone. Defendants admitted to calling Mr. Barrera's number in an attempt to reach Ali Al-hanooti. Mr. Amador informed Defendants that they were calling Mr. Barrera's number in error, that Ali Al-hanooti could not be reached at Mr. Barrera's number. Defendants stated that it would "take 24-hours before it comes off our automated dialing system."

8. Defendants did in fact call Mr. Barrera one final time on October 6, 2011.

CAUSES OF ACTION

COUNT I

9. Plaintiff re-alleges paragraphs 1 through 8, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and herein alleges that Defendants violated 15 U.S.C. 1692b(3) by continuing to contact Plaintiff without his consent after being informed that the person Defendants were trying to reach could not be reached at Plaintiff's residence and that Plaintiff had no further information to provide.

COUNT II

10. Plaintiff re-alleges paragraphs 1 through 8, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and herein alleges that Defendants violated 15 U.S.C. 1692d by continuing to contact Plaintiff after being advised that Defendants had the wrong number for the person they were trying to reach.

PRAYER FOR RELIEF

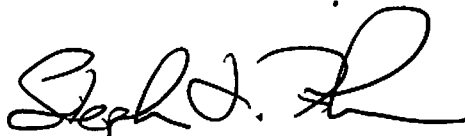
WHEREFORE, Plaintiff prays judgment against Defendant for recovery as follows:

- 1.) For statutory damages in the amount of \$1,000 pursuant to 15 U.S.C. 1692k(2);
- 2.) For actual damages of \$2,155.00 for legal costs in responding to unlawful collection activity.
- 3.) For prejudgment interest in an amount to be proved at time of trial;
- 4.) For attorney's fees pursuant to 15 U.S.C. 1692(k)
- 5.) For the costs of this lawsuit; and
- 6.) For any other and further relief that the court considers proper.

JURY DEMAND

Plaintiff demands a jury trial.

Date: August 31, 2012



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